

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the outdoor herein described property for Two (2) x 2 1/2' advertising structures, illuminate!

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, as we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee(s):
Contract ~~XXXXXX~~
Foster & Kleiser
(Type or Print Name)
Signature
3001 Remington Ave.
Address
Baltimore, Maryland 21211
City and State (235-8820)

Legal Owner(s):
Mr. Joseph Carpentieri
(Type or Print Name)
Signature
(Type or Print Name)

Attorney for Petitioner:
Ira Cook, Esq.
Address
36 S. Charles Street - sixth floor
Baltimore, Maryland 21201
City and State

Signature
Melnicove, Kaufman & Weiner
Address
36 S. Charles Street - sixth floor
Baltimore, Maryland 21201
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Baltimore, Maryland 21201
City and State

Name
Address
Phone No.

Attorney's Telephone No.:
Address
Phone No.

BY ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of September, 1981, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of December, 1981, at 10:30 o'clock A.M.

Signature
Zoning Commissioner of Baltimore County.

Signature
Zoning Commissioner of Baltimore County.

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Zoning Commissioner of Baltimore County.

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Zoning Commissioner of Baltimore County.

Signature
Zoning Commissioner of Baltimore County.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
125' N of centerline of Pulaski Hwy.,
804' E of centerline of Middle
River Rd., 15th District : OF BALTIMORE COUNTY

JOSEPH CARPENTIERI, Petitioner : Case No. 82-139-X

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Signature
Peter Max Zimmerman
Deputy People's Counsel

Signature
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2138

I HEREBY CERTIFY that on this 23rd day of November, 1981, a copy of the foregoing Order was mailed to Ira Cook, Esquire, Melnicove, Kaufman & Weiner, 36 S. Charles Street - Sixth Floor, Baltimore, Maryland 21201, Attorney for Petitioner; and Foster & Kleiser, 3001 Remington Avenue, Baltimore, Maryland 21211, Contract Lessee.

Signature
John W. Hession, III

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John W. Hession, III

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John W. Hession, III

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John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond
Zoning Commission
Date: December 3, 1981

TO: Norman E. Gerber, Director
Office of Planning and Zoning

FROM: Petition No. 82-139-X Item 59

SUBJECT: Petition for Special Exception
125 ft. North of centerline of Pulaski Highway, 804 ft. east of centerline of Middle River Road
Petitioner - Joseph Carpentieri

Fifteenth District

HEARING: Tuesday, December 15, 1981 (10:30 A.M.)

This property is the subject of a zoning reclassification petition currently being processed as Item 19, Cycle II.

Signature
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:ab

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 4, 1981

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Ira Cook, Esquire
36 S. Charles Street
Sixth Floor
Baltimore, Maryland 21201

RE: Item No. 59
Petitioner - Joseph Carpentieri
Special Exception Petition

Dear Mr. Cook:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your client's proposal to have outdoor advertising signs erected on the subject property, this hearing is required. The property is presently improved with a service garage operation, which was the subject of a previous zoning violation hearing. If you are not aware, a request to have this property redistricted to an I-M district has been filed in the current zoning cycle number II, and it will be heard sometime in the fall of 1982.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bac

Enclosures

cc: Foster & Kleiser
3001 Remington Avenue
Baltimore, Md. 21211



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

October 20, 1981

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #59 (1981-1982)
Property Owner: Joseph Carpentieri
N/S Pulaski Highway 804' E. of centerline of
Middle River Road
Acres: 15 x 30 District: 15th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Comments were supplied October 15, 1981 in conjunction with the Zoning Advisory Committee review of this property for Item 19, Zoning Cycle II (Oct. 1981-Apr. 1982), and also for Item 208 (1976-1977).

Baltimore County highway and utility improvements are not directly involved in regard to this Petition for a Special Exception for two illuminated advertising structures.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 59 (1981-1982).

Very truly yours,
Robert A. Morton, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley

M-SE Key Sheet
21 & 22 N/S 31 Pos. Sheets
NE 6 H Topo
82 Tax Map

Attachments

Mr. William T. Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

October 15, 1981

Re: Item #19 Zoning Cycle II (Oct. 1981-Apr. 1982)
Property Owner: Guiseppe Autoactive, Inc.
N/S Pulaski Highway 517' N/E of Middle River Road
Existing Zoning: CS-1
Proposed Zoning: I-M
Acres: 0.6 District: 15th

Dear Mr. Hackett:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Pulaski Highway (U.S. 40) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Entrance locations are also subject to approval by the Baltimore County Bureau of Traffic Engineering.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Item #19 Zoning Cycle II (Oct. 1981-Apr. 1982)
Property Owner: Guiseppe Autoactive, Inc.
Page 2
October 15, 1981

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Water and Sanitary Sewer:

There are public 8 and 12-inch water mains and 8-inch public sanitary sewerage in Pulaski Highway.

Very truly yours,
[SIGNED] ROBERT A. MORTON
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

M-SE Key Sheet
21 N/S 31 Pos. Sheet
NE 6 H Topo
82 Tax Map

May 6, 1977

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 4208 (1976-1977)
Property Owner: William R. Burrell
N/S Pulaski Hwy. 850' E. Middle River Rd.
Existing Zoning: M.L.-C.S. 1
Proposed Zoning: Special Exception for 2 - 12'x25'
illuminated advertising structures.
Acres: 200 sq. ft. District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #208 (1976-1977).

Very truly yours,
Donald J. Tucker
DONALD J. TUCKER, P.E.
Acting Chief, Bureau of Engineering

DWT:ENM:FWR:ss

N-SE Key Sheet
21 N1 31 Pos. Sheet
M2 6 H Topo
82 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
Date: September 23, 1981

FROM: Ian J. Forrest
SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- Item #47 - Joseph and Rose Wilder
- Item #51 - The Colonial Company
- Item #52 - Frank J. Currier, Sr.
- Item #54 - James C. and Laurel P. Strassberger
- Item #56 - Eole B. Maranto
- Item #59 - Joseph Carpentieri
- Item #60 - Walter and Brenda Leona Scott
- Item #61 - Kenneth M. Hall, Sr.

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/2th



Maryland Department of Transportation

State Highway Administration

James J. O'Donnell
Secretary
M. S. Caltrider
Administrator

September 23, 1981

Mr. William E. Hammond
Zoning Commissioner
Baltimore County
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting of 9/22/81
ITEM: #59.
Property Owner: Joseph Carpentieri
Location: N/S Pulaski Highway
Route 40, 804' E. of centerline
of Middle River Road
Existing Zoning: ML-CS-1
Proposed Zoning: Special
Exception for two 12 x 25
advertising structures,
illuminated.
Acres: 15 x 30
District: 15th

Dear Mr. Hammond:

On review of the site plan and field inspection, the State Highway Administration finds the location of the proposed advertising structures outside the State Highway Administration right of way generally acceptable.

However, a check should be made with State Highway Administration Outdoor Advertising for any additional information.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

George Wittman
By: George Wittman

CL:GW:uaw

cc: Mr. J. Wimbley

My telephone number is (301) 659-1350

P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203



baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

October 19, 1981

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: ZAC Meeting of September 22, 1981

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for items number 58, 59, 60 & 61.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Associate II

MSF/r1j

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari
Date: October 26, 1981

FROM: Charles E. Burnham
Zoning Advisory Committee Meeting
September 22, 1981

SUBJECT:

ITEM NO. 58	See Comments
ITEM NO. 59	Standard Comments
ITEM NO. 60	Standard Comments
ITEM NO. 61	See Comments
ITEM NO. 62	See Comments

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB:rrj



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERDER
DIRECTOR

December 1, 1981

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #59, Zoning Advisory Committee Meeting, September 22, 1981, are as follows:

Property Owner: Joseph Carpentieri
Location: N/S Pulaski Highway 804' E. of centerline of Middle River Road
Acres: 15 X 30
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This petition meets the requirements of the Division of Current Planning and Development.

Very truly yours,
John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

JLW:rh

12/15
82-139-X



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

October 9, 1981

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Joseph Carpentieri

Location: N/S Pulaski Highway 804' E. of centerline of Middle River Road

Item No.: 59 Zoning Agenda: Meeting of September 22, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *Paul H. Reincke* Noted and Approved: *George M. G. G. G.*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/mh/cm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari
Date: October 26, 1981

FROM: Charles E. Burnham
Zoning Advisory Committee Meeting
September 22, 1981

SUBJECT:

ITEM NO. 58	See Comments
ITEM NO. 59	Standard Comments
ITEM NO. 60	Standard Comments
ITEM NO. 61	See Comments
ITEM NO. 62	See Comments

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB:rrj

May 10, 1982

Ira Cook, Esquire
Meinicove, Kaufman & Weiner
Sixth Floor, 36 South Charles Street
Baltimore, Maryland 21201

RE: Petition for Special Exception
Beginning 125' N of the centerline
of Pulaski Highway, 804' E of the
centerline of Middle River Road -
15th Election District
Joseph Carpentieri - Petitioner
NO. 82-139-X (Item No. 59)

Dear Mr. Cook:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

December 3, 1981

Ira Cooke, Esquire
Melnicove, Kaufman & Weiner
36 S. Charles Street
Sixth Floor
Baltimore, Maryland 21201

RE: Petition for Special Exception
125' N of centerline of Pulaski Hwy., 804' E
of centerline of Middle River Road
Joseph Carpentieri - Petitioner
Case #82-139-X Item #59

Dear Mr. Cooke:

This is to advise you that \$54.00 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH:klr

Ira Cooke, Esquire
Melnicove, Kaufman & Weiner
36 S. Charles Street - 6th Floor
Baltimore, Maryland 21201

November 19, 1981

NOTICE OF HEARING

RE: Petition for Special Exception
125' N of centerline of Pulaski Highway
804' E of centerline of Middle River Rd.
Joseph Carpentieri - Petitioner
Case #82-139-X

TIME: 10:30 A.M.

DATE: Tuesday, December 15, 1981

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

cc: Foster & Kleiser
3001 Remington Avenue
Baltimore, MD 21211

ZONING COMMISSIONER OF
BALTIMORE COUNTY

PETITION FOR SPECIAL EXCEPTION

15th DISTRICT

ZONING: Petition for Special Exception
LOCATION: 125 ft. North of centerline of Pulaski Highway, 804 ft. east of centerline of Middle River Road
DATE & TIME: Tuesday, December 15, 1981 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for two 12' x 25' outdoor advertising structures, illuminated

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Joseph Carpentieri, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, December 15, 1981 at 10:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PROPERTY DESCRIPTION
BEGINNING AT A POINT LOCATED ON THE NORTHSIDE OF PULASKI HIGHWAY (150 FEET WIDE), 125 FEET FROM THE CENTERLINE AND LOCATED 804 FEET EAST OF THE CENTERLINE OF MIDDLE RIVER ROAD (70 FEET WIDE) AND THENCE RUNNING THE FOLLOWING COURSES AND DISTANCES: 1) NORTHEASTERLY A DISTANCE OF 15 FEET TO A POINT, THENCE 2) NORTHWESTERLY A DISTANCE OF 30 FEET TO A POINT, THENCE 3) SOUTHWESTERLY A DISTANCE OF 15 FEET TO A POINT, THENCE 4) SOUTHEASTERLY A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING.
PROPERTY KNOWN AS 9622 PULASKI HIGHWAY

Mr. Carl Richards
Zoning Technician - Zoning Department
County Office Building - Room 113
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Foster & Kleiser
Petition for Special Exception
Rossville Boulevard
Southside - 100 Feet West of Kelso
Road (Re: B.T.R. Realty, Inc.)

Dear Mr. Richards:

I have just been in communication with Mr. Wilbur Walker, an officer with Foster-Kleiser, who on July 28, 1981, filed with your office the above referenced Petition for Special Exception. As has been our practice over the past many years, when Mr. Walker files the Petition, he is fully authorized to include my name on the bottom of the Petition as counsel for the Petitioner and, moreover, he has been authorized by me to sign, when appropriate, my name. This is to avoid the necessity of my having to meet with him prior to the filings of the various special exceptions. Rest assured, before any of the Petitions are filed, Mr. Walker and I have consulted, at length, on each issue involved in the Petition.

Therefore, by this letter, I am requesting that you officially accept the above-referenced Petition, and, moreover, that you honor Mr. Walker's inclusion of my name and, if necessary, my signature on this and any other future petitions. Thanking you in advance for your kind consideration. I remain,

Very truly yours,
WILLIAM E. HAMMOND
Zoning Commissioner

cc: Mr. William Hammond
Mr. Wilbur Walker

RE: PETITION FOR SPECIAL EXCEPTION: BEFORE THE
Beginning 125' N of the centerline of Pulaski Highway, 804' E of the centerline of Middle River Road - 15th Election District : ZONING COMMISSIONER
Joseph Carpentieri - Petitioner : OF
NO. 82-139-X (Item No. 59) : BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as the result of a Petition for Special Exception for two 12' x 25' illuminated outdoor advertising structures to be erected on a parcel of ground 15 feet wide and 30 feet long

According to the property description, site plan, and testimony, the subject site is located on the north side of Pulaski Highway, approximately 804 feet east of the centerline of Middle River Road. The improvement (service garage), located on the land of which the site is a part, is designated as 9622 Pulaski Highway and is zoned M.L. (Manufacturing, Light) with a C.S-1 (Commercial, Strip) District imposed thereon. Testimony also disclosed that the total tract is the subject of a reclassification petition before the County Board of Appeals to change the district designation to I.M. (Industrial, Major); however, the lessee would not speculate on its effect should it be granted. No one appeared at the hearing in opposition to the petition.

Section 253.2.D.1 of the Baltimore County Zoning Regulations provides for outdoor advertising signs as a miscellaneous use in M.L. Zones by way of a special exception; however, Section 413.3 allows such signs, as defined in Section 101, under the conditions set forth therein and as limited by Section 413.5. Section 413.3.a reads as follows:

"The total surface area of any such sign, exclusive of structural supports, shall not exceed 300 square feet, except that a hand-painted custom-built sign may have a total surface area of not exceeding 500 square feet. The provisions of this sub-paragraph referring to hand-painted custom-built signs shall permit only one single face unit."

The proposed double-faced signs will contain 300 square feet, exclusive of the structural supports, and, under Section 413.3.g, may be paired as contemplated by the petitioner. Additionally, Section 413.3.b must also be considered,

i.e., "No such sign shall be...within 100 feet of the right-of-way of any other dual highway." Its pertinence becomes obvious after reviewing the site plan which indicates that the site is located 50 feet off of the right-of-way line of Pulaski Highway, a dual highway with a 150-foot right of way.

Counsel for the petitioner argues that Metromedia, Inc. v. Baltimore County, Maryland, et al, In Equity, Docket 142, Folio 255, Case No. 103167 (Raine, Chief Judge), determined that Section 413, as contained in the mimeographed publication of the 1957 zoning regulations and the 1963 published zoning regulations, controlled sign usage and, to the extent that subsequent published sign regulations differed, the difference was unenforceable. While Judge Raine's Order appears to strike all additions to Section 413 subsequent to the 1963 zoning regulations, it is hereby concluded that the effect of the Order must be limited to those sub-paragraphs of Section 413 which were subject to attack by the plaintiff in the suit. A review of the Bill of Complaint for Declaratory Decree discloses that the controversy involved the preface to Section 413.3 as well as Section 413.3.b, d, e, and f. Commensurate therewith, the prayers for relief refer to the same sections as hereinabove set forth. Therefore, the relief given by the Circuit Court Order of July 1, 1981 is only effective to those sections.

Section 413.3.b of the 1963 zoning regulations states:

"No such sign shall be permitted to front on, face or be located within 250 feet of the right-of-way of any expressway or other controlled-access-type highway."

Since this section is the only enumerated section applicable to the facts in this matter, the other sections will not be addressed. When Section 413.3.b is applied to the facts in this matter, Pulaski Highway does not come within the purview of designated roads, to wit, "...expressway or other controlled-access-type highway...", and, therefore, the location of an outdoor advertising sign must be located in accordance with Section 413.3.c (1981 Edition), which reads as follows:

"No such sign shall be located closer to the street right-of-way line than the minimum front yard requirement for a commercial building as determined by these Regulations for the zone involved."

The area requirements applicable to the M.L. Zone (Section 255.1) are the same as those for the B.R. (Business, Roadside) Zone (Section 238.1), unless in conflict with Section 255.2. Since there is no such evidence of conflict referred to in Section 255.2, a front yard setback of 50 feet from the front property line, if on a dual highway, would be required, unless in violation of Section 303.2. In this regard, according to the site plan, the only improvement within 100 feet of the joint side property line is Giuseppe Body and Fender. Therefore, since the front yard requirement of 50 feet is the same for both the body and fender shop and the proposed signs, compliance with Section 413.3.c has been met. Further, the petitioner has met the requirements of Section 502.1 and, as such, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of May, 1982, that the Petition for Special Exception for two 12' x 25' illuminated outdoor advertising structures, in accordance with the site plan filed herein, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with the conditions set forth in Section 413.5 of the Baltimore County Zoning Regulations.
2. Approval of the aforementioned site plan by the Department of Public Works and the Office of Planning and Zoning.

Zoning Commissioner of
Baltimore County

PETITION MAPPING PROGRESS SHEET											
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet		
	date	by	date	by	date	by	date	by	date	by	
Descriptions checked and outline plotted on map											
Petition number added to outline											
Denied											
Granted by ZC, BA, CC, CA											
Reviewed by: <u>MM</u>	Revised Plans: Change in outline or description _____ Yes Map # _____ No										
Previous case: _____											

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 9 day of 9, 1981

Filing Fee \$ 50 Received: ✓ Check ✓ Cash ✓ Other ✓

159

William E. Hammond, Zoning Commissioner

Petitioner Carpentieri Submitted by B. W. Weller
Petitioner's Attorney E. G. Gop Reviewed by MM

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15 Date of Posting 12/15/81

Posted for: Posting for Special Exception

Petitioner: Joseph Carpentieri

Location of property: 135' N. of Pulaski Highway to Pulaski Highway

Location of Signs: at 135' N. of Pulaski Highway

Remarks: See map

Posted by William E. Hammond Date of return: 12/14/81

Petition for Special Exception

15th District
ZONING: Petition for Special Exception
LOCATION: 125 ft. North of centerline of Pulaski Highway, 804 ft. east of centerline of Middle River Road

DATE & TIME: Tuesday, December 15, 1981 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the following petition for a Special Exception:

All that parcel of land in the Fifteenth District of Baltimore County, Property Description: Beginning at a point located on the north side of Pulaski Highway (150 feet wide), 125 feet from the centerline and located 804 feet east of the centerline of Middle River Road (70 feet wide) and thence running the following courses and distances: 1) Northwesterly a distance of 15 feet to a point, thence 2) Northwesterly a distance of 30 feet to a point, thence 3) Southwesterly a distance of 15 feet to a point, thence 4) Southwesterly a distance of 30 feet to the point of beginning.

Property known as 8022 Pulaski Highway.

Being the property of Joseph Carpentieri, as shown on plat plan filed with Zoning Department, December 15, 1981 at 10:30 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

By Order of
William E. Hammond
Zoning Commissioner of Baltimore County

The Times

Middle River, Md., Nov. 26 1981

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each

of one successive

weeks before the 26th day of

November, 1981

Publisher.

PETITION FOR SPECIAL EXCEPTION—15th DISTRICT

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Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

By Order of
William E. Hammond
Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 26, 1981.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each

of one successive weeks before the 15th day of December, 1981, the last publication appearing on the 26th day of November, 1981.

THE JEFFERSONIAN
L. L. Smith
Manager.

Cost of Advertisement, \$ _____

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 102623

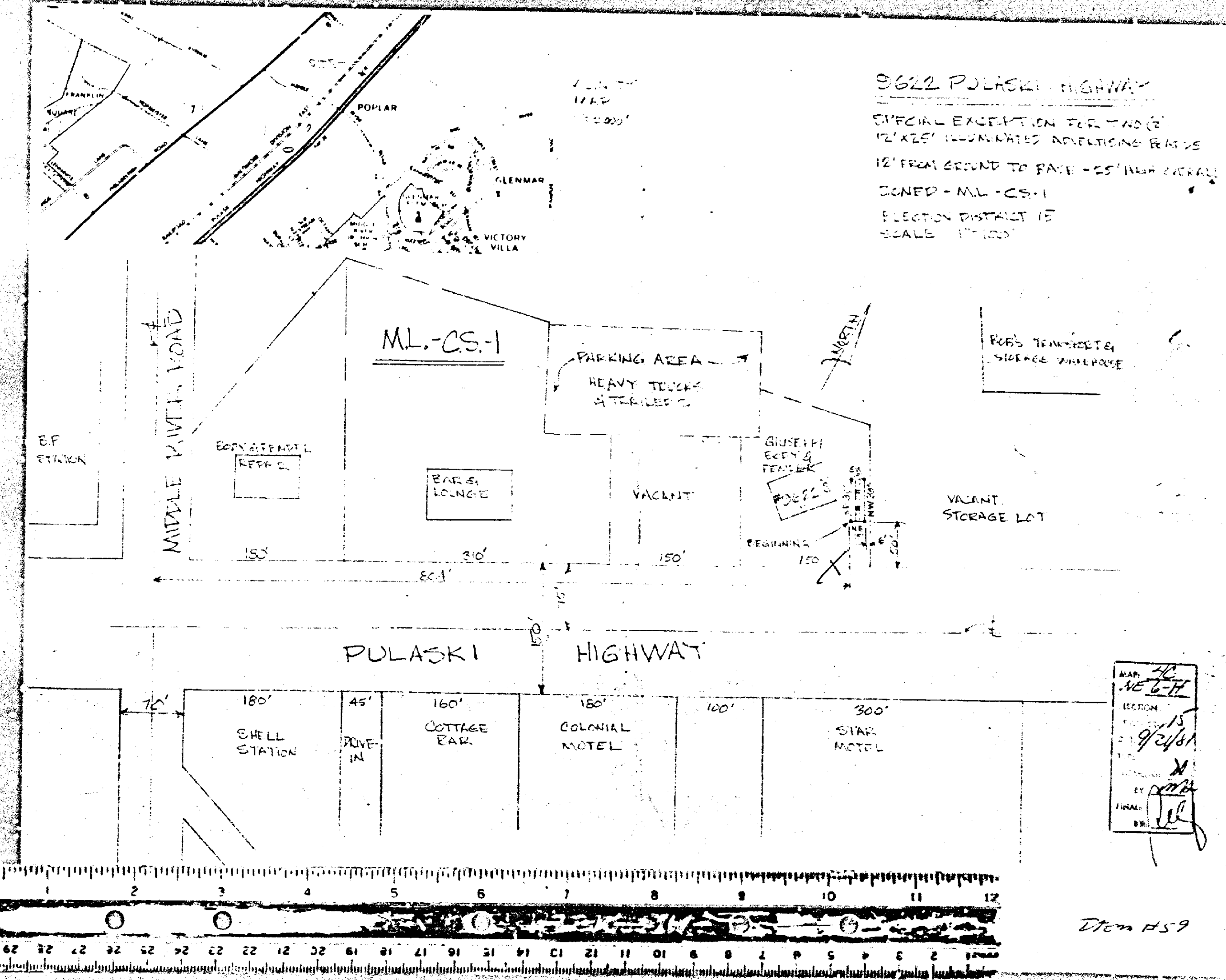
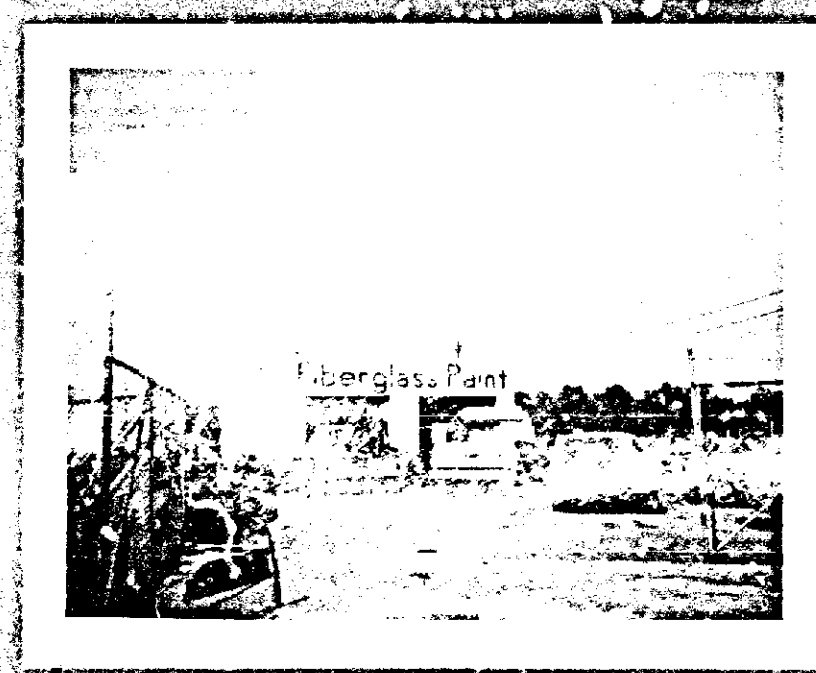
DATE 11/18/81 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED Foster & Kleiser
FROM: Filing Fee for Case #82-139-X (Carpentieri)

891744.17 500.00

VALIDATION OR SIGNATURE OF CASHIER



8022 PULASKI HIGHWAY
SPECIAL EXCEPTION FOR TWO (2) 'X' MARKS ILLUSTRATED ADVERTISING BEARS
12' FROM CURB TO FACE - 25' FROM CURB
ZONED - ML-CS-1
ELECTION DISTRICT 15
SCALE 1"=100'

MAP
NO. 15
SECTION
15
9/24/81
BY MM
TOWN
15

Item H59